



#8

Patent US 311
Attorney Docket: 612,404-370
(Former L&L Ref: 259/163)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Patrick N. Gilles et al.) Group Art Unit: 1645
Serial No.: 09/727,030) Examiner: Not yet assigned
Filed: November 30, 2000)
For: SINGLE NUCLEOTIDE)
POLYMORPHIC DISCRIMINATION)
BY ELECTRONIC DOT BLOT)
ASSAY ON SEMICONDUCTOR)
MICROCHIPS)

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
AND REVOCATION OF PRIOR POWERS**

Box 2327
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Dale D. Berkley, Licensing Specialist, as representative of the Assignee of record of the entire interest of the above application, hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34263:

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Box 2327, Arlington, VA 22202.

Date of Deposit

1/9/03

Denise Doss
Denise Doss

IR1:1038373.1



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Office of Technology Transfer
2011 Executive Boulevard, Suite 325
Rockville, Maryland 20852

DATE: October 9, 2001

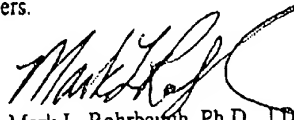
TO: Commissioner for Patents
U.S. Patent and Trademark Office

FROM: Acting Director, Office of Technology Transfer (OTT)
National Institutes of Health

SUBJECT: Delegation of Authority for Certain Patent Administration and Prosecution Activities

Effective this date and acting under the authority set forth in DHHS Secretary Louis W. Sullivan's May 21, 1991 memorandum appearing in the Friday, June 7, 1991 Federal Register Notices at Volume 56, Number 110, pages 26418-26419 (copy attached), I authorize James C. Haight, (Reg. No. 25,588); David R. Sadowski, (Reg. No. 32,808); Robert Benson, (Reg. No. 33,622); Jack Spiegel, (Reg. No. 34,477); Susan S. Rucker, (Reg. No. 35,762); Stephen Finley, (Reg. No. 36,357); Steven Ferguson, (Reg. No. 38,488); John Peter Kim, (Reg. No. 38,514); Norbert Pontzer, (Reg. No. 40,777); Richard U. Rodriguez, (Reg. No. 45,980); Marlene Shinn, (Reg. No. 46,005); Berkley, Dale, (Reg. No. 42,319) and Catherine M. Joyce, (Reg. No. 40,668) to exercise full authority in United States or International patents or patent applications in which the Government of the United States of America, as represented by the Secretary, Department of Health and Human Services is an applicant or has an ownership interest with respect to the following:

- Signing original, associate, or substitute powers of attorney before the U.S. or International Authorities;
- Signing Request Forms, Demand Forms, and other documents filed in applications before the International Authorities;
- Signing assignee's consent to changes in inventorship;
- Signing papers required from an assignee in connection with an application for Reissue and/or Reexamination of a patent;
- Signing terminal disclaimers including, but not limited to, terminal disclaimers to obviate obviousness-type double patenting rejections; and
- Signing all documents before the United States Patent and Trademark Office, either as the U.S. National Office or as a designated Receiving Office under the Patent Cooperation Treaty that can be signed by an assignee in patent matters.



Mark L. Rohrbaugh, Ph.D., J.D.

Attachment

cc: OTT Staff



Patent US 311
Attorney Docket: 612,404-370
(Former L&L Ref: 259/163)

 34263 PATENT TRADEMARK OFFICE	O'MELVENY & MYERS LLP 114 Pacifica, Suite 100 Irvine, CA 92618 (949) 737-2900
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Please send all correspondence to the attention of David Murphy, at the above Customer Number, and direct all telephone calls to David Murphy at 949-737-2900.

Assignee of interest: The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services
Not yet recorded in PTO, a copy as sent for recordation is attached hereto.

In conformance with 37 C.F.R. §3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated:

December 31, 2002

By:

Dale D. Berkley
Name: Dale D. Berkley *Reg. No. 42,319*
Title: Licensing Specialist
Address: NIH Office of Technology Transfer
6011 Executive Blvd
Rockville, MD 20852

ASSIGNMENT

WHEREAS, I, **STEPHEN J. CHANOCK**, a citizen of the **United States**, residing at **5700 Mohican Road, Bethesda, Maryland 20816**, and **CHARLES B. FOSTER**, a citizen of the **United States**, residing at **10618 Lorain Avenue, Silver Spring, Maryland**, an employee of the Department of Health and Human Services at the time the invention was made, have invented **"SINGLE NUCLEOTIDE POLYMORPHIC DISCRIMINATION BY ELECTRONIC DOT BLOT ASSAY ON SEMICONDUCTOR MICROCHIPS"** for which application for Letters Patent of the United States of America and under the International Convention were filed: on March 30, 1999, which has been assigned U.S. Provisional Application Serial No. 60/126,865; on March 28, 2000, which has been assigned International Application No. PCT/US00/08617; and on November 30, 2000, which has been assigned United States Application Serial No. 09/727,030; and

WHEREAS, I am named as an inventor in the above-identified applications for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services (hereinafter **THE GOVERNMENT**) under Paragraph 1(a) of Executive Order 10096, to my entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, **THE GOVERNMENT** is desirous of acquiring all of my domestic and foreign right, title, and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign and transfer to **THE GOVERNMENT**, as represented by the Secretary, Department of Health and Human Services, all full and exclusive rights owned by me in and to the said invention in the United States of America and within each and every foreign country in which **THE GOVERNMENT** elects to file and my entire right, title, and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the United States of America and foreign countries, and such Letters Patent as may be granted to be held by the **GOVERNMENT** to the end of the term for which the same would have been held by myself, as an inventor had this assignment not been made.

I further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist **THE GOVERNMENT** in every way as may be requested

in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

IN WITNESS WHEREOF, I subscribe my hand and seal on the date shown below:

Steph Chano
STEPHEN J. CHANOCK

July 23, 2002
Date

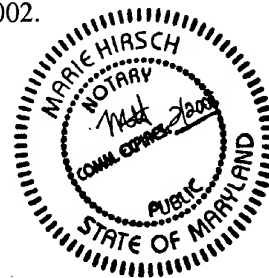
County of Montgomery

State of MARYLAND

Subscribed and sworn to before me this 23rd day of July, 2002.

Marie Hirsch
Notary Public

My commission expires: 2/2006



IN WITNESS WHEREOF, I subscribe my hand and seal on the date shown below:

Charles B. Foster
CHARLES B. FOSTER

July 23, 2002
Date

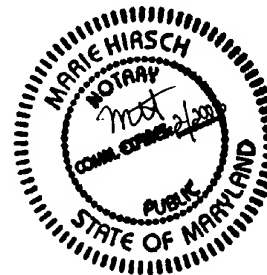
County of Montgomery

State of MARYLAND

Subscribed and sworn to before me this 23rd day of July, 2002.

Marie Hirsch
Notary Public

My commission expires: 2/2006





15:09

FROM-Legal/Finance Nanogen

858-410-4770

T-248 P.002/003 F-110

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Attorney Docket: 612,404-370
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Box 2327
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

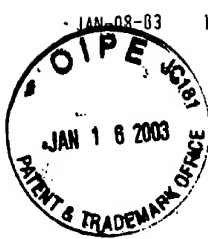
I, Mary Ann Stretch, Sr. Director, Intellectual Property of Nanogen, Inc., as representative of the Assignee of record of the entire interest of the above application, hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34263:

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)


I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Box 2327, Arlington, VA 22202.

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IR1:1038311.1

Denise Doss
Denise Doss



Patent US 311
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 34263 PATENT TRADEMARK OFFICE	O'MELVENY & MYERS LLP 114 Pacifica, Suite 100 Irvine, CA 92618 (949) 737-2900
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Please send all correspondence to the attention of David Murphy, at the above Customer Number, and direct all telephone calls to David Murphy at 949-737-2900.

Assignee of interest: Nanogen, Inc.
Address: 10398 Pacific Center Court, San Diego, California, 92121
Not yet recorded in PTO, a copy as sent for recordation is attached hereto.

In conformance with 37 C.F.R. §3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated: 1/8/03

By: 
Mary Ann Stretch
Sr. Director, Intellectual Property
Nanogen, Inc.
10398 Pacific Center Court
San Diego, CA 92121

IR1:1038311.1

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, **PATRICK N. GILLES**, a citizen of the UNITED STATES;
PATRICK J. DILLON, a citizen of the UNITED STATES; and **DAVID J. WU**, a citizen of the
UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention
entitled **SINGLE NUCLEOTIDE POLYMORPHIC DISCRIMINATION BY ELECTRONIC
DOT BLOT ASSAY ON SEMICONDUCTOR MICROCHIPS** for which application for Letters
Patent of the United States of America and under the International Convention were filed: on
March 30, 1999, which has been assigned U.S. Provisional Application Serial No. 60/126,865; on
March 28, 2000, which has been assigned International Application No. PCT/US00/08617; and on
November 30, 2000, which has been assigned United States Application Serial No. 09/727,030; and

WHEREAS, **NANOGEN, INC.**, a corporation organized and existing under and by virtue of
the laws of the State of **Delaware** and having its place of business at **10398 Pacific Center Court,
San Diego, California 92121** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring
from the assignors their exclusive right, title and interest in, to and under said invention and in, to
and under any Patent or similar legal protection to be obtained therefor in the United States of
America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby
acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its
successors and assigns, their full and exclusive right, title and interest to said invention and to all
Letters Patent or application or similar legal protection, not only in the United States and its
territorial possessions, but in all countries foreign thereto to be obtained for said invention by said
application, and to any continuation, division, renewal, substitute or reissue thereof or any legal

equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Carlsbad, California this 01 day of May, 2002.

Patrick N. Gilles

PATRICK N. GILLES

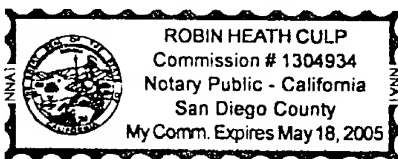
STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On May 1, 2002, before me, the undersigned Notary Public, personally appeared PATRICK N. GILLES, ☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies); and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

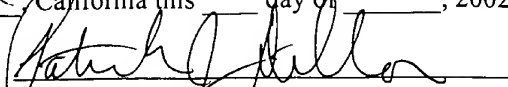
WITNESS my hand and official seal.



Robin Heath Culp

Notary Public in and for said County and State

WITNESS my hand at Carlsbad California this 11 day of Dec., 2002.


PATRICK J. DILLON

WITNESS my hand at David J. Wu California this 2 day of May, 2002.
David J. Wu
DAVID J. WU

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

On May 2nd, 2002, before me, the undersigned Notary Public, personally appeared DAVID J. WU, ☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Rula Krikorian
Notary Public in and for said County and State

